

REMARKS/ARGUMENTS

Claims 1 through 10, 31 and 32 remain in this application. Claims 11 through 30 have been canceled without prejudice or disclaimer, and claims 31 and 32 have been added. In addition, claim 1 has been amended.

Claims 11 through 24 are rejected under 35 U.S.C. §101, because they are not from a single statutory class. Also, claims 11 through 24 are rejected under 35 U.S.C. §112, second paragraph, as being a single claim which claims both an apparatus and method steps of using the apparatus. Claims 11 through 24 are hereby canceled and, thus, the 35 U.S.C. §101 and 35 U.S.C. §112, second paragraph, rejections of claims 11 through 24 are considered to be moot.

Claims 1, 2 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,434,337 to Misawa ("Misawa patent"). Claims 3 through 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Misawa patent in view of U.S. Patent No. 6,397,089 to Kabe ("Kabe patent").

Claim 1 as amended provides, *inter alia*, that the portable electronic device presents safety information on the display indicating that the power source should not be disposed in fire. New claims 31 and 32 provides, *inter alia*, that the portable electronic device presents safety information on the display indicating that the power source should not be disposed disassembled and may be recycled, respectively. Support for the above added recitation is provided at page 4, lines 10 through 15, of the specification.

In contrast, the Misawa patent describes a warning associated with a battery voltage level, and the Kabe patent does not describe or suggest any type of warning. Thus, the Misawa patent and the Kabe patent do not describe or suggest a portable electronic device that presents safety information on the display indicating that a power source should not be disposed in fire, should not be disassembled or may be recycled, as required by claims 1, 31 and 32. Therefore claims 1, 31 and 32 distinguish patentably from the Misawa patent, the Kabe patent and the suggested combination of these patents.

Claims 2 through 10 depend from and include all limitations of independent claim 1 as amended. Therefore, claims 2 through 10 distinguish patentably from the Misawa patent, the Kabe patent and the suggested combination of these patents for the reasons stated above for claim 1.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections of claims 1 through 10, 31 and 32 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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